(c) the party responsible for the amounts to the Department?

Mr. I. Raman Menon.—(a) A list containing the particulars is placed on the Council Secretary's table.

(b) Bills are sent, sometimes customers are approached by officers of the Department.

(c) Vide lists referred to above.

Action taken against the absentee members of the Ollur Panchayat.

174. Mr. T. A Ramachandra Ayyar.—Will the Government be pleased to state what action has been taken against absentee members of the Ollur Panchayat?

Mr. I. Raman Menon.—They were removed from office.

Athanikkal—Puthuruthy Road.

175. Mr. Chakko Cheruvattur.—Will the Government be pleased to state;—

(a) when the Athanikkal-Puthuruthy road under the Mundathikkode Panchayat was opened;

(b) the total length, breadth and extent of the road;

(c) how these lands were obtained; how much had to be acquired; from how many individuals; what was the land-value paid to each; who paid the land-value—the Sirkar or the Panchayat;

(d) was any portion of Survey Nos. 156 and 158, Puthuruthy village, requested by the Panchayat to be acquired; was any inquiry conducted and was it ordered to be acquired; if so, when and who deposited the acquisition charges;

(e) was it actually acquired, and if so, when; before acquisition, was the owner of the plot consulted, and what was his request, if any; was the plot after acquisition given possession to the Panchayat; had the owners applied to draw the compensation amount from the treasury; why was it not given;

(f) was any improvement standing on the site auctioned by the Panchayat after taking possession; what was done with the amount; why was it ordered to be deposited in the Government treasury; what is the right of the Government to get that amount; what was the amount; is the amount still in the treasury;

(g) was any police help requisitioned by the Panchayat; when was it first requisitioned; when was the prayer granted; what was the report of the Head Constable who went to the spot and when did he report;

(h) how many petitions were received from the public and from the Panchayat by the Diwan and the Superintendent

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of Panchayats before Police help was again sanctioned; when was Police help again sent;

(i) did the Superintendent of Panchayats order the Panchayat to empower any of its members to see to the opening up of the site; did the Panchayat authorise anybody, and if so, whom;

(j) how many times the Police went to the spot and was the road opened up; what was the delay;

(k) did the member so authorised report to the Superintendent and the Panchayat that he was badly assaulted by the owners of the site when he went to clear the site; was the Police also aware of this assault; did the Superintendent send the petition to the Panchayat for enquiry, and what was the report of the Panchayat thereon; did the Superintendent conduct any personal or other enquiry in the matter; what was done with the petition; has any final action been taken or intended to be taken upon it by Government;

(l) did Tahsildar Mr. Damodaran Unni inspect the site and report; if so, when; at whose orders; did he take *kychits* from the ousted owners regarding their willingness to give up the land; what was his report; after his inspection, did the owners erect any gate on the site; if so, how;

(m) subsequently did the Police go to the spot at the instance of the Superintendent; if so, when, and what did they do;

(n) was any request made to the Panchayat Superintendent by any member of the Panchayat for taking action against the trespassers on Sirkar land; was any action taken; if not, why not; when was the request made;

(o) did the Panchayat member concerned apply to get the amount spent by him in clearing the site as per orders of the Superintendent; what was the amount; was it given; if not, why not;

(p) did the Tahsildar Mr. Gopala Panikkar inspect the locality, and when; did he order the imposition of penal assessment upon the trespassers; how many times the attachment warrant was issued; was any article attached; and when; for how many days was it in the custody of the Village Officers; as per whose orders was it attached and why was it not sold;

(q) what were the orders of the subsequent acting Diwan Peishkar and the acting Tahsildar upon this acquisition affair and upon this attachment affair; when were their orders passed;

(r) was the article attached released to the owners; did the Village Officer apply to get the feeding charges for the attached animal; was it granted; what were the orders of the

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permanent Tahsildar and of the acting Tahsildar respectively upon the prayer; were the Village Officers in any way personally responsible for the attachment;

(s) did not the Diwan, the Diwan Peishkar, 4 Tahsildars and 5 Revenue Inspectors inspect the locality from 1096 onwards at different times, and did anybody report against the acquisition except the acting Diwan Peishkar and the acting Tahsildar;

(t) are there any petitions pending to-day, 14th Thulam 1103, before the Diwan and the Superintendent of Panchayats regarding this matter from the public or from the Panchayat or from any of the Panchayat members; when were those petitions received; will the Government be pleased to lay copies of those petitions on the table?

Mr. I. Raman Menon.—(a) In 1096—1097 and 1098.

(b) Length 4 miles. Breadth 35 links. Extent 11·23 acres.

(c) 8·86 acres were *poramboke*. 1·36 acres were surrendered free by the owners and 1·01 acres were acquired. The latter belonged to 4 persons. The compensation awarded was as follows:—

To Subrahmanyan Embran	..	Rs.	11	8 0
,, Puthur Lazar	....	,,	16	9 0
,, Manakulam Raja	..	,,	616	6 5
,, Ayyappath Govinda Menon	....	,,	80	8 0

The acquisition charges were met by the Sirkar, the Panchayat contributing Rs. 28—1—0.

(d) Yes. After enquiry the sites were acquired. The exact date of the enquiry cannot be ascertained without searching old records which the Government do not consider it worthwhile now. The Panchayat President deposited a portion of the acquisition charges in the Talappalli Treasury on 5th Dhanu 1097.

(e) Yes. The award was passed on 12th Meenam 1097. The owner was consulted. He was against acquisition, and he requested for a realignment of the road.

The plot was handed over to the Panchayat. Meanwhile, the owner in whose favour the award was passed died. Two rival claimants came forward for the compensation. They were directed to establish their claim, before the amount could be disbursed.

(f) Yes. The sale proceeds were remitted to the treasury. According to rules, all receipts should be credited to Government, and all expenditure met from the general revenues. So the sale proceeds as well as the subscription collected by the

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Panchayat merged in the general revenues of the State, and the acquisition charges and the expenditure for road construction were paid by Government.

(g) Yes. The Superintendent of Agriculture and Panchayats sought the help of the Police on 30th Meenam 1099. The Head-constable reported to the Magistrate on 14th Medam 1099. The report is appended (*vide Appendix II*).

(h) The Diwan received one petition from the public, and the Superintendent received one from the Panchayat. The latter addressed the Magistrate on 22nd Vrischigam 1100.

(i) Yes. Yes. Member Mr. P. K. Sankaran.

(j) The Police went to the spot twice. The road was not opened on account of the resistance of the two *Antharjanoms*.

(k) The member sent a report to the Superintendent. The matter is under enquiry.

(l) Yes, on 14th Dhanu 1101 under orders from the Diwan Peishkar. No *kychit* was taken. His report was to the effect that the contention of the lady who was resisting was false. The owners erected a gate subsequent to the inspection by trespass.

(m) Vide answer to (j). The date is not available.

(n) Yes.

(o) The member claimed Rs. 3. The claim has not been admitted pending enquiry.

(p) Yes, on 20th Dhanu 1102, and ordered the levy of penal assessment. Distraint warrants were issued twice. A calf belonging to the encroacher was taken into custody on 30th Mithunam 1102. It was in the custody of the Village Officer for 40 days. The attachment was made on the authority of the warrant issued by the acting Tahsildar Mr. K. A. Sankara Menon. The sale was duly notified to be conducted on 18th Karkadagam 1102, but it was held back, as the acting Diwan Peishkar ordered a further enquiry on a petition complaining against the encroachment proceedings.

(q) The acting Diwan Peishkar cancelled on 29th Karkadagam 1102 the penalty, and requested the Superintendent of Agriculture and Panchayats to inspect the place personally to ascertain if the plot encroached upon was absolutely necessary for the road. The acting Tahsildar recommended the cancellation of the penalty on 28th Karkadagam 1102.

(r) Yes. The Village Officers applied for payment of feeding charges to him. It has not been paid. The permanent Tahsildar passed the following order:—

"Feeding charges at the rates allowed to pound keepers must be allowed to the Parvathiam and the amount recovered from the party."

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Subsequently, the acting Tahsildar ordered that, as the attachment was unnecessary, there was no reason to allow feeding charges.

The Village Officer was not personally responsible for the attachment.

(s) Four Tahsildars and 4 Revenue Inspectors inspected the locality from 1096 onwards. None of them reported against the acquisition. Acting Tahsildar Mr. K. A. Sankara Menon held the same view as his predecessors, but, on a petition complaining against the levy of penal assessment, he expressed a doubt about the absolute necessity for the acquisition, and recommended cancellation of penalty.

(t) Yes. They are under enquiry, and so they cannot be placed on the table.

Mr. Chakko Cheruvattur.—(k) Certain portions of this sub-division are not answered. The Panchayat member who went to the locality as per the orders of the Panchayat was badly assaulted. Was the Police also aware of this assault?

Mr. I. Raman Menon.—Yes, the answer is there. 'The member sent a report to the Superintendent. The matter is under enquiry.'

Mr. Chakko Cheruvattur.—The last portion is not answered.

President.—What is your question?

Mr. Chakko Cheruvattur.—Did not the Panchayat member go to the spot with the help of the Police? Was it not at that time that he was assaulted? Again in (j) and (l), there is a reference to the submission of a report by the Panchayat member. May I know what the report of the Panchayat thereon was?

President.—Would not the answer to sub-division (j) show that the Police were aware? Was it before the assault or after the assault that the Police went there?

Mr. I. Raman Menon.—There was the member's report that he was assaulted. I was not aware that the Police were on the spot.

Mr. Chakko Cheruvattur.—Was that report sent to the Panchayat for remarks?

Mr. I. Raman Menon.—Yes.

Mr. Chakko Cheruvattur.—Did the Panchayat endorse the report, or what was the report?

Mr. I. Raman Menon.—I want notice.

Mr. Chakko Cheruvattur.—May I know the date upon which the report was sent?

Mr. I. Raman Menon.—I want notice.

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Mr. Chakko Cheruvattur.—In (n), the last portion 'when was the request made ' is not answered.

Mr. I. Raman Menon.—I cannot supply the answer now.

Mr. Chakko Cheruvattur.—This is not a supplementary question. It was in the question itself, and yet it is not answered.

Mr. I. Raman Menon.—I say I cannot supply the material now.

President.—When the Panchayat is sending a report, will it not contain the date of the report also? That is rather curious, is it not so, Mr. Chakko? A report undated!

Mr. I. Raman Menon.—There were half a dozen files on the subject. It is not one continuous file. Several actions were taken in different times.

Mr. Chakko Cheruvattur.—The matter began in 1096.

President.—That the information was not supplied will be said against you. It may be a single file or there may be any number of files. When you are asked the information, you should search all the files.

Mr. I. Raman Menon.—I have not got the information now.

President.—Mr. Chakko, he is not in possession of the file, and he is not able to supply the information.

Mr. Chakko Cheruvattur.—May I know who was the member who reported? Is it the self-same P. K. Sankaran?

Mr. I. Raman Menon.—Yes.

Mr. Chakko Cheruvattur.—Will the Hon'ble Member give the approximate time at least?

Mr. I. Raman Menon.—It was somewhere in 1102.

Mr. Chakko Cheruvattur.—(o) Was it not this self-same P. K. Sankaran who spent the sum from his pocket?

Mr. I. Raman Menon.—Yes.

Mr. Chakko Cheruvattur.—Was it not done under the orders of the Superintendent?

Mr. I. Raman Menon.—No.

Mr. Chakko Cheruvattur.—Then under whose orders?

Mr. I. Raman Menon.—Under the orders of the Panchayat.

Mr. Chakko Cheruvattur.—Did the Superintendent order the Panchayat to clear the site by the self-same P. K. Sankaran?

Mr. I. Raman Menon.—No.

Mr. Chakko Cheruvattur.—The answer to the first part of sub-division (n) is 'yes'. I shall read the question and answer.

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"Did the Superintendent of Panchayats order the Panchayat to empower any of its members to see to the opening up of the site; did the Panchayat authorise anybody, and if so, whom? "The answer is 'Yes. Yes. Member Mr. P. K. Sankaran '."

President.—You asked the Panchayat to empower one of its members to see that it is opened, and the Panchayat ordered P. K. Sankaran, to do it, and Sankaran did it. So you have authorised the Panchayat. That is what it comes to from the answer.

Mr. Chakko Cheruvattur.—Indirectly authorised P. K. Sankaran to open up the site.

President.—It only comes to this. He directly asked the Panchayat to open the site, and the Panchayat in its turn directed Sankaran to do it, and Sankaran did it.

Mr. Chakko Cheruvattur.—That means the Superintendent indirectly asked Sankaran to get the work done.

President.—There are the facts, whether directly or indirectly Sankaran got the work done, at the instance of the Panchayat.

Mr. Chakko Cheruvattur.— What is the approximate date of the opening up of the site?

Mr. I. Raman Menon.—I suppose it was in 1102.

President.—Mr. Chakko has put a number of questions, and so you should be prepared to answer all questions on the subject. This is a place where two *Antharjanoms* live. It is near the Puthuruthy school. I had been once to the place, and the *Antharjanoms* represented these facts to me on that occasion. I think, Mr. Chakko, you too were there. At what stage is it now?

Mr. Chakko Cheruvattur.— The road has not been opened up yet. That small portion is not still opened up. It was acquired by the Sirkar so long ago. Is there no remedy for the Panchayat to open up that spot?

President.—Have you inspected the place?

Mr. I. Raman Menon.—No.

President.—The intention is the road is to be further opened up through paddy fields and a bridge constructed on the river, and this road is to join the Erumapatty road. It could have been done earlier but for this trouble. But they are not easy people to deal with, these *Antharjanoms*.

Mr. Chakko Cheruvattur.—Acquiring is one thing. To carry out the acquisitions is another thing. There is no remedy to open up the site on account of some special circumstances.

President.—Are we so powerless to execute the orders of Government?

Mr. I. Raman Menon.—But a subsequent enquiry showed

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that the original acquisition was not necessary and, that the acquisition might be withdrawn. There was sufficient space there in front of the *illom* to open up any type of road.

President.—Then, why all this opening up and all that? I think the acquisition was done in haste, and on subsequent enquiry it was found that they might be left there in peace and that they need not be disturbed at all. Now, what is the attitude? Are they allowed to rest in peace, or are they to be molested?

Mr. I. Raman Menon.—I have ordered that the acquisition order might be withdrawn.

Mr. Chakko Cheruvattur.—Is it the opinion of the Superintendent that it was done hastily?

President.—It appears so.

Mr. Chakko Cheruvattur.—The answer to sub-division (s) shows that 4 Tahsildars and 4 Revenue Inspectors found the acquisition necessary.

Mr. A. K. Vengu Ayyar.—They inspected the spot after the land was acquired. The Registrar of Panchayats did not inspect the place in the first instance. When the Registrar of Panchayats inspected the place, he reported that this is not essential for the opening up of the road, and that the land may be re-assigned to the original occupiers.

President.—What did the 4 Tahsildars and 4 Revenue Inspectors want?

Mr. A. K. Vengu Ayyar.—They wanted to evict the tenants from that place, as the same was acquired by the Sirkar.

President.— These two *Antharjanoms*? The Tahsildars and Inspectors played a part with regard to the eviction only. They had nothing to do with the question of acquisition? Is it so?

Mr. Chakko Cheruvattur.—Am I to understand that the Tahsildar's report was unnecessary? (Vide answer to sub-division (1.)

President.—The matter is, originally it was thought that the acquisition of this particular place was necessary for the purpose of the road, and then steps were taken, and it was formally acquired. The occupants did not surrender. Then all these proceedings took place. Then afterwards the Superintendent found from the report of the Panchayats that the acquisition was not really necessary, and that we could manage without that spot, as there was ample room for a road in front of the *mana*. So the matter now stands.

Mr. Chakko Cheruvattur.—(r) How are they to be reimbursed? They kept the calf for 40 days as per the orders of the acting Tahsildar.

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President.—If it was not sanctioned, they will have to meet it from their own pockets.

Mr. Chakko Cheruvattur.—But they did it as per the orders of the acting Tahsildar.

President.— The answer is there. We are not going into the merits of the question. What have we to do with that?

Mr. Chakko Cheruvattur.—That is for the Government to consider. Who is responsible for the expenses?

President.— If there was any occasion for feeding the calf, and if there were no proper grounds for reimbursing them, nobody will be responsible. He must suffer.

Mr. Chakko Cheruvattur.—It is seen from the answer that the Village Officer is not personally responsible.

President.—You are questioning the correctness of the order of the Tahsildar. I do not know whether this is the place to do that.

Mr. A. B. Salem.—Sir, there is plenty of question time, nearly 35 minutes more. Will you kindly allow me to ask one supplementary question on one of my questions?

President.—Who asked you to be late?

Mr. A. B. Salem.—I only ask for the indulgence of the President.

President.—It is very easy for you to run up from your house which is near and be here in time.

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APPENDIX I.

Vide answer to question No. 165.

PROCEEDINGS OF THE DIWAN OF COCHIN

Local and Legislative Department

(Miscellaneous)

Order dated 21st May 1922, R. O. C. No. 4782 of 1097.

All Heads of Departments and other officers empowered to appoint their subordinates are requested to see that, without the special sanction of the Diwan, no one whose father or mother is not a Cochin born subject or who has not landed interest in the Cochin State is newly appointed to any place or is confirmed in an acting appointment when he or she holds no substantive appointment in the State.

(True extract)

(Sd.) P. DAMODARA MENON,
Secretary to the Diwan.

To

All Heads of Departments and Offices.
The Judges of the Chief Court (with covering letter).
,, Sarvadhikariakar.

APPENDIX II.

Vide answer to question No. 175.

Copy of the Head-constable's report dated 14th September 1919 submitted to the Magistrate.

ബോധിപ്പിക്കുന്നത്.—ഈ കാര്യത്തിൽ പ്രസ്താവ പടിപ്പുരയുടെ ഉടമസ്ഥകളായ അന്തപ്പനങ്ങളെ കണ്ടു ചോദിച്ചതിൽ തങ്ങളുടെവക സ്ഥലം ഗവമ്മെണ്ടിലേക്ക് എടുത്തതായി യാതൊരു വിവരവും ഇല്ലെന്നു മാത്രമല്ല തങ്ങൾക്കു യാതൊരു വക സംഖ്യയും ഇതിനെ സംബന്ധിച്ചു കിട്ടീട്ടുമില്ല. പൊതുവിൽ എല്ലാവർക്കും സാധാരണ കിട്ടുന്ന സംഖ്യ തങ്ങൾക്കു കിട്ടിയാൽ ഗവമ്മെണ്ടിലേക്കു തങ്ങളുടെ വക ഏതു സ്ഥലവും കൊടുപ്പാൻ തയ്യാറാണ്. തങ്ങളുടെ പടിക്കൽ കൂടി ഇപ്പോഴും തന്നെ രണ്ടു വണ്ടി കാൾക്കു ഗതാഗതം ചെയ്യാനുള്ള സ്ഥലം ഉണ്ട്. പിന്നെ പടിപ്പുര പൊളിച്ചിടണമെന്നു തങ്ങളുടെ പല വിരോധികളുടെ പ്രേരണ വഴി ഉണ്ടായിട്ടുള്ളതാണ്. അതിനും തങ്ങൾക്കു വിരോധമില്ല. പക്ഷെ യാതൊരു സംഖ്യയും കിട്ടാത്തതു കൊണ്ടും യാതൊരു കല്പനയും തങ്ങൾക്കു കിട്ടാത്തതു കൊണ്ടും ആണ് ഞങ്ങൾ തടസ്ഥം ചെയ്തതു എന്നുള്ള വിവരം തങ്ങൾ സ്ഥലം താസിൽദാർ അവർകളോടു പറകയും അദ്ദേഹം വന്നു നോക്കി ഉടനെ സകല നിവൃത്തിയും വരുത്തിതരാമെന്നു പറയുകയും ചെയ്തു എന്നും മറ്റും പറഞ്ഞു.

അനേഷണത്തിൽ പ്രസ്താവ സ്ഥലം എടുപ്പാനുള്ള എല്ലാ എഴുത്തുകുത്തുകളും പ്രസ്താവ സ്ത്രീകളുടെ അച്ഛൻ വഴിക്കാണ് ഗവമ്മെണ്ടു നടത്തിയതെന്നും ടിയാൻ മരിച്ച ശേഷമാണു ടി

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സ്ഥലം എടുപ്പാൻ കല്പനയായതെന്നും ആവക സംഖ്യയാതൊന്നും അവക്കും അവരുടെ അച്ഛനൊ കൊടുത്തിട്ടില്ലെന്നും അറിയുന്നു. സംഖ്യ കൊടുത്തതല്ല കൊണ്ടും അവർക്കു ഇതിനെ പറ്റി യാതൊരു കല്പനയും കൊടുത്തതിനാലും ആണ് അവർ തടയുന്നതു എന്നും അറിയുന്നു. അതിനാൽ ഈ കാര്യത്തിൽ ഏതു വിധം വേണ്ടു എന്ന കല്പനയ്ക്കു് അപേക്ഷിച്ചു് ഹർജി മടക്കി ബോധിപ്പിക്കുന്നു.

Adjournment motion regarding the appointment of the new Chief Engineer.

President.—There is an adjournment motion by Mr. Chakkyamuri It reads thus:—

"I beg to move that the business of the Council be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the widespread dissatisfaction and discontent caused among the subjects of His Highness by the importation of a retired official of advanced years from Travancore to fill one of the most responsible positions in the State Service".

Mr. George Chakkyamuri.—I need not say that this is a matter of public importance, because this is a public matter which concerns all the Members of this House. The urgency of the case is the appointment in question will be made recently, and we have no opportunity here except this to bring this question, and by the time we meet next time he will have finished more than half the time of his office, so that I regard the matter as urgent and of public importance.

President.—These are all appointments which come under the special prerogative of His Highness,—all the appointments of Heads of Departments including the Diwan—and I want you to make out that this Council has the power to discuss that point.

Mr. George Chakkyamuri.—I am not here to question the appointments made by His Highness.

President.—I ask you to explain the urgency and public importance of this matter. These appointments of Heads of Departments are a special prerogative of His Highness.

Mr. C. Achyuta Menon.—I object to that statement. His Highness has delegated the power of appointment to Heads of Departments. There is no difference, so far as the prerogative of His Highness is concerned, between appointments requiring His Highness' sanction and those not requiring it. If that is so, you cannot object to any appointment made by Heads of Departments, for their powers are His Highness' powers. So even the appointment of a peon may be considered as the prerogative of His Highness, and as such we cannot object to it.

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